

JUN 18 2001

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

M. REC'D _____
LODGED _____ FILED _____

In Re:)
)
JAMES L. HERSHBERGER and)
MELISSA R. HERSHBERGER,) Case No: 01-00317
)
) Debtors)

ORDER CONFIRMING FIRST AMENDED CHAPTER 13 PLAN AND GRANTING
RELATED MOTIONS
IT HAVING BEEN DETERMINED AFTER NOTICE AND A HEARING THAT:

1. The Chapter 13 Plan and Related Motions comply with the provisions of this chapter and with other applicable provisions of this title;
2. The Chapter 13 Plan and Related Motions have been proposed in good faith and not by any means forbidden by law;
3. The value, as of the effective date of the Chapter 13 Plan and Related Motions, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under 11 USC Chapter 7 on such date;
4. With respect to each allowed secured claim provided for by the plan--
 - a. the holder of such claim has accepted the plan; OR
 - b. the plan provides that (i) the holder of such claim retain the lien securing such claim; and (ii) the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the *allowed secured value* of such claim.
5. The Debtor will be able to make all payments under the plan, and to comply with the plan.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

- A. The Chapter 13 Plan is confirmed and Related Motions are granted, incorporating the following modifications:
 1. The attorney shall receive \$1000.00 for services rendered to confirmation of this

19

plan. The attorney shall be paid \$550.00 through the plan, in addition to the \$450.00 (plus the \$185.00 filing fee) paid to initiate the filing. No affidavit of attorney fees shall be filed at this time. The attorney reserves the right to file an ex parte motion with notice to the Trustee requesting additional attorney fees, if necessary, at a later date, for up to \$300.00 in fees. As provided for in the Plan, the Trustee shall retain the \$300.00 for payment of fees approved by the Court ex parte for post-confirmation work. The Trustee may distribute to unsecured creditors any unused portion of this \$300.00 reserve for additional attorney fees if no application for additional fees has been filed with the Court before the 1st day of the 33rd month of the plan.

2. Debtors will pay to the trustee for a term, not exceeding 36 months the sum of \$450 monthly.
3. These changes do not prejudice the unsecured creditors.

B. The value of the collateral securing debts due holders of secured claims is fixed at the *Allowed Secured Values* as stated herein:

(In the event of early payoff the amount to be paid to the secured creditor will be the amount of the allowed secured value plus interest at 9% from date of confirmation less all plan payments)

Creditor- Collateral description -Allowed Secured Value- Total amount to be paid the creditor in plan

COUNTY PROPERTY TAXES SHALL BE PAID AS FOLLOWS: N/A

- ☐ County Property taxes will be paid by the mortgage company outside the plan
- ☐ County Property taxes will be paid by the debtor outside the plan
- ☐ County Property taxes will be paid by the trustee thru the plan @ 12% int per year
- ☐ Property subject to County taxes will be surrendered

C. Pursuant to the motion of debtor contained in debtor's plan and 11

USC§522(f)(1)(A), the judicial liens of the following creditors are avoided.

CREDITOR - DESCRIPTION OF JUDGMENT LIEN -COUNTY AND INSTRUMENT
NUMBER

NONE

The court finds that the lien sought to be avoided impairs an exemption to which the debtor is entitled as a matter of law.

D. Pursuant to the motion of debtor contained in debtor's plan and 11 USC §522(f)(1)(B), the nonpossessory, nonpurchase money security interests of the following creditors are avoided.

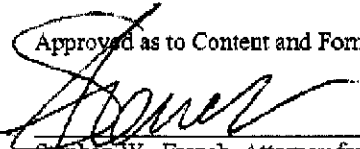
CREDITOR	DESCRIPTION OF EXEMPT PROPERTY
NONE	

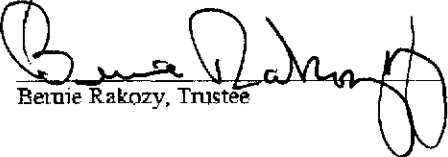
The court finds that the lien sought to be avoided is a nonpossessory, nonpurchase money security interest in debtor's household furnishings and goods, and impairs an exemption to which debtor is entitled as a matter of law.

DATED: June 14, 2001.


UNITED STATES BANKRUPTCY JUDGE

Approved as to Content and Form:


Stephen W. French, Attorney for Debtor


Bernie Rakoz, Trustee

Case: 01-00317 Form id: 122 Ntc Date: 06/18/2001 Off: 1 Page : 1
Total notices mailed: 4

Debtor Hershberger, James L 8165 McMullen, Boise, ID 83709
Debtor Hershberger, Melissa R 8165 McMullen, Boise, ID 83709
Aty French, Stephen W 2995 N Cole Rd #255, Boise, ID 83704
Trustee Rakozy, Bernie R POB 1738, Boise, ID 83701